THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :17471 OF 2007

DATED:20-08-2007

BETWEEN:

P.Sathiyya Naidu.

.....
PETITIONER

AND

The Superintendent of Police,
Kakinada,
East Godavari District & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the 3rd respondent in persisting threats to the petitioner to see his end, as illegal, unjust, and violative of Articles 14, 19 and 21 of the Constitution of India.

3. It is the case of the petitioner that he made a representation, dated 18-06-2007, before the 1st respondent-Superintendent of Police, East Godavari District against the illegal action on the part of the 3rd respondent in interfering with his personal life and liberty, alleging that the 3rd respondent bore grudge for reporting certain news items in the news paper and keeping in view the fact that the real facts ought to have been reported in the news papers as the petitioner is a Journalist, the 3rd respondent has not only manhandled him but also threatened with dire consequences. Accordingly, the said representation has been filed but no action has been taken by the 1st respondent so far. Hence, the present Writ Petition.

4. Having regard to the facts and circumstances, I am of the opinion that whenever a representation has been filed making such allegations against the concerned Station House Officer, who is supposed to protect law and order and the lives and liberties of the individuals, and without following the statutory duties if they take law into their hands and take any revengeful action against the individuals it not only constitutes an offence under the appropriate provisions of the Indian Penal Code but they are also liable for departmental action for dereliction of duties. However, I am not inclined to express any opinion with regard to the merits of the case.

5. Accordingly, Writ Petition is disposed of directing the 1st respondent to consider and dispose of the said representation of the petitioner, dated 18-06-2007, in accordance with law as expeditiously as possible. There shall be no order as to costs.

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V.ESWARAIAH,J

20th August, 2007.
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